

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

FIRSTENERGY FAMILY
CREDIT UNION, INC.,

Plaintiff,

V.

FIRSTENERGY FEDERAL
CREDIT UNION, INC.,

Defendant.

CASE NO. 5:12CV00864

JUDGE BENITA Y. PEARSON

ORDER TO SHOW CAUSE

Upon Plaintiff's Motion for Order to Show Cause ([ECF No. 41](#)), the Declaration of David T. Movius, Esq. attached thereto ([ECF No. 41-1](#)), the email message and attachments thereto from Amanda S. Rotharmel (dated November 16, 2012 at 03:04 PM) and the email message from Attorney Movius (dated November 16, 2012 at 03:49 PM), it is hereby:

ORDERED, ADJUDGED, AND DECREED that Defendant FirstEnergy Federal Credit Union, Diane Momeyer (President/CEO of Defendant), members of the Board of Directors of Defendant and J. Matthew Pritchard, Esq. appear before the District Court of the United States for the Northern District of Ohio, in Courtroom 351, Federal Building - United States Courthouse, 125 Market Street, Youngstown, Ohio on November 26, 2012 at 9:00 a.m., to show cause why an order should not be entered adjudging them guilty of civil contempt of Court for failing to comply with the Preliminary Injunction ([ECF No. 39](#)) entered on November 7, 2012.

It is further ORDERED, ADJUDGED AND DECREED that on or before November 21, 2012, at 12:00 p.m., Defendant shall file and serve a written response to Plaintiff's Motion for Order to Show Cause (ECF No. 41).

(5:12CV0864)

Notwithstanding FirstEnergy Corp.'s delayed and possibly contemptuous injection of itself into this litigation, Defendant appears to be acting under the advice of counsel and in obvious and flagrant disregard of Court's Preliminary Injunction ([ECF No. 39](#)). While the Court would be loath to impede a settlement, Attorney Pritchard's reference in his letter dated November 16, 2012 to the "case-dispositive ramifications" of the recently issued licensing agreement is pyrrhic in the eyes of the Court, not based on sound legal authority, and, ultimately, not favorable to Attorney Pritchard as an officer of the Court, his client and FirstEnergy's counsel, Heather M. Barnes. Attorney Barnes is counsel for FirstEnergy Corp. regarding its intellectual property matters, including its trademark matters.

It is further ORDERED, ADJUDGED, AND DECREED that a copy of this Order, together with Plaintiff's Motion for Order to Show Cause ([ECF No. 41](#)), the Declaration of Attorney Movius attached thereto ([ECF No. 41-1](#)) and a subpoena compelling her attendance at the Show Cause Hearing be personally served on Attorney Barnes by lead counsel of record for Plaintiff within twenty-four (24) hours of the date of this Order.

IT IS SO ORDERED.

November 19, 2012
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge